

FILED
GREAT FALLS, MONT.

2012 MAY 21 PM 3 46

IN THE UNITED STATES DISTRICT COURT

PATRICK E. DUFFY, CLERK

BY

FOR THE DISTRICT OF MONTANA

DEPUTY CLERK

GREAT FALLS DIVISION

MARTIN MARCEAU, CANDICE)
LAMOTT, JULIE RATTLER,)
JOSEPH RATTLER, JR., JOHN G.)
EDWARDS, JR., MARY J. GRANT,)
TERRY GRAY and DEANA)
MOUNTAIN CHIEF, on behalf of)
themselves and others similarly)
situated,)

Plaintiffs,)

vs.)

BLACKFEET HOUSING and its board)
members SANDRA)
CALFBOSSRIBS, NEVA)
RUNNING WOLF, KELLY)
EDWARDS, and URSULA)
SPOTTED BEAR, & MEL)
MARTINEZ, Secretary,)
DEPARTMENT OF HOUSING AND)
URBAN DEVELOPMENT,)
UNITED STATES OF AMERICA,)

Defendants.)

No. CV-02-73-GF-SEH

**MEMORANDUM
AND AMENDED ORDER**

On March 24, 2011, the Court entered its Memorandum and Order, dismissing the claims of the Third Amended Complaint.¹ Plaintiffs appealed. On April 20, 2012, the parties filed a joint motion requesting the Court to issue an

¹ Document No. 190

indicative ruling under Fed. R. Civ. P. 62.1(a), informing the Ninth Circuit Court of Appeals that if the case were remanded, the Court would: 1) amend its Order of March 24, 2011, *nunc pro tunc* under Fed. R. Civ. P. 60(a) to explicitly state that the Court denies Plaintiffs' request for injunctive relief; and 2) to certify its Order for immediate appeal under Fed. R. Civ. P. 54(b).² The motion was granted, and the requested indicative ruling was entered.³ On May 16, 2012, the Circuit issued its Order of Limited Remand authorizing the Court to amend its Order of March 24, 2011.⁴

ORDERED:

1. The Court's Memorandum of March 24, 2011, is restated in its entirety.
2. The Court's Order of March 24, 2011, is amended *nunc pro tunc* to read as follows:
 1. The United States' Motion for Summary Judgment⁵ is GRANTED.
 2. Plaintiffs' Cross-Motion for Summary Judgment⁶ is DENIED.
 3. Plaintiffs' request for injunctive relief is DENIED.
 4. The Court certifies this Order, disposing of all claims against

² Document No. 201

³ Document No. 204

⁴ Document No. 205

⁵ Document No. 143

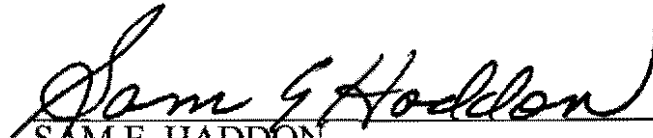
⁶ Document No. 178

the Federal Defendants, for immediate appeal under Fed. R. Civ. P. 54(b) as there is no just reason for delay.

5. The Clerk is directed to enter final judgment accordingly.

3. The Clerk is directed to promptly notify the Clerk of Court for the Ninth Circuit Court of Appeals of the entry of this Memorandum and Amended Order and to provide a copy of the same to the Circuit.

DATED this 21st day of May 2012.



SAM E. HADDON
United States District Judge